

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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UNITED STATES OF AMERICA :

- v. - :

CHARLES FAMILLETTI, JR., :

Defendant. :  
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**SUPERSEDING  
INDICTMENT**

S1 13 Cr. 903 (LAP)

COUNT ONE

(Attempted Sex Trafficking of a Minor)

The Grand Jury charges:

1. From at least in or about June 2013, up to and including at least in or about July 15, 2013, in the Southern District of New York and elsewhere, CHARLES FAMILLETTI, JR., the defendant, in and affecting interstate and foreign commerce, knowingly did attempt to recruit, entice, harbor, transport, provide, obtain and maintain by any means a person, knowing and in reckless disregard of the fact that the person had not yet attained the age of 18 years and would be caused to engage in a commercial sex act, to wit, FAMILLETTI paid an undercover federal agent a sum of money so that the agent would provide FAMILLETTI with an 11 year-old boy with whom FAMILLETTI could engage in sex acts.

(Title 18, United States Code, Sections 1591(a)(1) & (b)(1),  
and 1594(a.)

COUNT TWO

(Transportation and Distribution of Child Pornography)

The Grand Jury further charges:

2. From at least in or about October 2012, up to and including at least in or about July 2013, in the Southern District of New York and elsewhere, CHARLES FAMILLETTI, JR., the defendant, knowingly did mail, and transport and ship using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, child pornography; and did knowingly receive and distribute materials that contained child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, FAMILLETTI distributed files containing child pornography from a computer over the Internet via a file-sharing program.

(Title 18, United States Code, Sections 2252A(a)(1), (2)(B).)

COUNT THREE

(Transportation and Distribution of Child Pornography)

The Grand Jury further charges:

3. From at least in or about October 2012, up to and including at least in or about July 2013, in the Southern

District of New York and elsewhere, CHARLES FAMILLETTI, JR., the defendant, knowingly did mail, and transport and ship using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, child pornography; and did knowingly receive and distribute materials that contained child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, FAMILLETTI transported a memory card containing child pornography into New York state.

(Title 18, United States Code, Sections 2252A(a)(1), (2)(B).)

COUNT FOUR

(Possession of Child Pornography)

The Grand Jury further charges:

4. On or about July 15, 2013, in the Southern District of New York and elsewhere, CHARLES FAMILLETTI, JR., the defendant, knowingly did possess and access with intent to view a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by

computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, FAMILETTI possessed on a memory card and a laptop computer in New York, New York, files containing child pornography, including images of minors under 12 years of age.

(Title 18, United States Code, Section 2252A(a)(5)(B).)

#### FORFEITURE ALLEGATION

5. As the result of committing the offense alleged in Count One of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1594(e): (1) any property, real or personal, which constitutes or is derived from proceeds traceable to such offense; and (2) any property, real or personal, used or intended to be used to commit or to facilitate the commission of such offense.

6. As the result of committing the offenses alleged in Counts Two through Four of this Indictment, the defendant shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a): (1) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and (2) any property, real or personal, used or intended to be used to commit or to promote

the commission of such offenses, or any property traceable to such property.

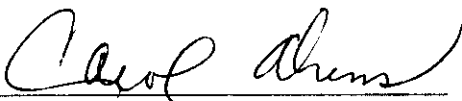
SUBSTITUTE ASSET PROVISION

7. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 2253(b), and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property.

(Title 18, United States Code, Sections 1594 and 2253;  
Title 21, United States Code, Section 853.)

  
FOREPERSON

  
PREET BHARARA  
United States Attorney

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UNITED STATES OF AMERICA

v.

CHARLES FAMILLETTI, JR.,

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SUPERSEDING INDICTMENT

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(18 U.S.C. §§ 1591(a)(1) and (b)(1);  
1594(a); 2252A(a)(1), (2)(A) and 5(B).)

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PREET BHARARA

United States Attorney.

A TRUE BILL



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Foreperson.

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8-13-15 S1.1 indictment filed.  
USM, Francis  
SM.